

REMARKS

The claims in this application have been finally rejected as unpatentable over Ohta in view of Bar. Claim 1 has been amended to define the present invention over the disclosures of the prior art. Claim 1 remains as the only independent claim and the remaining claims 2-11 depend from claim 1.

Claim 1 has been amended to more clearly define the location of the tube as extending from the interior of the muffler through the area of the cylinder head adjacent to the discharge chamber to be discharged through the valve plate. One of the purposes of this construction is to minimize heat transfer between the hot gasses in the discharge chamber and the gasses carried by the tube 6.

The reinforcing wall portion 12 is provided for a similar purpose as is the provision of the passages 3a provided at the end of the tube 6 and separated by a heat blocking support member.

Ohta discloses a construction wherein an outlet tube is not seated against the valve plate and as indicated at Column 5, lines 3-13 and instead the end of the tube is mounted to provide with the cavity 22 in the valve plate a volume which allows the reduction of the suction resistance. Applicant's construction is to minimize heat transfer. The differences in construction provide different results.

Claim 1 was also rejected on the basis that Ohta teaches the provision of a reinforcing wall portion "interpreted as the lower half of element 16." The lower half of element 16 is either element 16 or element 15. If it is element 16, then it just the wall of the cylinder head and not a

“reinforcing wall.” Element 15 is the valve plate and it is made of relatively weak material. Claim 1 has been amended to make it clear that the cylinder head and the reinforcing wall are separate parts.

The Examiner relies on Bar for a teaching of an outlet tube having two tubular projections. Bar of course does disclose an outlet tube at all, teaching instead a direct connection with the cylinder head without the provision of an outlet tube extending through the cylinder head area in a manner which minimizes heat transfer.

In effect Bar teaches two openings from the muffler to the cylinder head with tubes provided in the openings to prevent rotation of the muffler. There is no valve plate and there is no outlet tube. There is no attempt to minimize temperature variation between the gasses in the muffler and the cylinder head.

The remaining claims 2-11 depend from claim 1 and are therefore allowable.

Reconsideration of the final rejection in this application is respectfully requested.

Dated: July 12, 2010

Respectfully submitted,

Electronic signature: /Ernest I. Gifford/
Ernest I. Gifford
Registration No.: 20,644
GIFFORD, KRASS, SPRINKLE, ANDERSON
& CITKOWSKI, P.C.
2701 Troy Center Drive, Suite 330
Post Office Box 7021
Troy, Michigan 48007-7021
(248) 647-6000 (248) 647-5210 (Fax)
Attorney for Applicant